

REMARKS

Claims 1-10, 12, 13, 16-25, 27 and 30-34 are currently pending in the subject application and are presently under consideration. Claims 1, 5, 7-8, 10, 17, 22 and 25 have been amended. Claims 11, 14, 15, 26, 28, 29 have been cancelled. In addition, claim 30-34 have been newly added. It is respectfully submitted that no new subject matter has been added.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-4 and 10-16 Under 35 U.S.C. §102(e)

Claims 1-4 and 10-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Maes (U.S. 20020184373). Withdrawal of this rejection is requested for at least the following reasons. Maes does not teach each and every element of the claimed subject matter as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

Applicant's claimed innovation relates to system and method for communicating with automation devices utilizing an interactive human machine interface. To this end, independent claim 1 recites *a system for interacting with automation devices, comprising: a plurality of automation devices connected to a network, the automation devices supply automation data to the network; and an interface connected to the network including an interactive program and an execution engine comprising a flash player for executing the program, wherein the interactive program and the execution engine are embedded and executed from within a browser and interact with the automation device data, the interactive program embedded within the browser comprising a binding component and a presentation component, the binding component binds interactive program variables to the automation device data to update the displayed data in real time and the presentation component produces an interactive graph for a user to interact with the automation devices comprising at least one of start or stop automation devices, increase or decrease power, view information about each automation device or modify production schedule of the automation devices* and independent claim 10 recites *a browser that accesses data concerning the one or more automation devices over the network and presenting the data to a user incorporating a plurality of multimedia effects, wherein one of the multimedia effects is an interactive graph and the user clicks and drags points on the graph to effectuate changes in a production schedule for the automation devices, the multimedia effects being incorporated in the browser via an embedded interactive program wherein the interactive program is executed by a flash player associated with the browser.* Maes does not disclose or suggest such novel aspect of the claimed innovation.

Maes relates to system and method for implementing conversational protocols for distributed conversational networking architectures and applications as well as real-time conversational computing between network-connected computing devices and server over a network. The control protocols include session control protocols, protocols for exchanging of speech meta-information, and speech engine remote control protocols; and this reference does not teach the claimed innovation.

At page 5 and 6 of Final Office Action, it is erroneously asserted that Maes teaches *an interface connected to the network includes an interactive program* and an

execution engine for executing the program, *wherein the interactive program and the execution engine are embedded and executed from within a browser and interact with the automation device data*, with respect to independent claim 1. The reference (Maes) provides for a distributed conversational framework using proxy servers. The system includes an engine proxy that operates on behalf of a browser application and a browser proxy that operates on behalf of conversational engines. Engine Proxy and the browser proxy exchanges control data and the engine proxy effectively operates as a local speech engine for the browser, and the browser proxy effectively operates as a local browser for the engines. This framework allows the engines and the browser application to disregard the fact that the other component is local, remote or distributed (*See*, Paragraph [0153]). The system includes a source such as a client hand held device which provides speech I/O to a user, a controller such as speech browser and a server. The server includes conversational engines that process the speech I/O, all of which are remotely connected over a network. *The client hand held device and the speech browser communicates via any suitable communication protocol* (*See*, Paragraph [164]). The client hand held device can be a desktop PC, a PDA, an automobile computer, a smart phone or a conventional telephone. The client hand held device utilizes conversational protocols to communicate with the speech browser (*See*, Paragraph [0171]). Yet another section of reference provides for transmitting encoded speech data from the audio subsystem of the client to the speech browser (*See*, Paragraph [174]). Hence Maes provides for client hand held device and speech browser communicating using suitable conversational protocol. More particularly, Client hand held device (which include a desktop PC, a PDA, an automobile computer, a smart phone or a conventional telephone) transmits encoded speech data from their audio subsystem to the speech browser. Hence, the interactive program (Client hand held device), provided by Maes, is separate and isolated from the browser (speech browser) and the client hand held device and speech browser communicate using suitable conversational protocol. However Maes does not contemplate *interactive program being embedded and executed from within a browser and interact with the automation device data*. The claimed innovation facilitates extending browser functionality by embedding an interactive program and an associated execution engine. The interactive program comprise, among other things, bindings and a presentation

component. Bindings are specified which bind interactive program variables to automation device data *such that the displayed data can be updated in real time and therefore always remain current*. The presentation component is employed *to specify an interactive multimedia context to display and interact with device data*. Accordingly, the claimed innovation facilitates providing sophisticated and real time interaction with device data by employing a rich and easy to use browser-based interface.

At page 7 of Final Office Action, it is erroneously asserted that Maes teaches *one of the multimedia effects is an interactive graph*, with respect to dependent claim 15. The reference (Maes) provides for client/server communication using a distributed speech recognition framework protocol. A client application requesting server-side processing of speech data communicates with the server by initially establishing a connection. Once the connection is established, codec negotiation is performed between the client and server (See, Fig. 21). Another cited portion of reference (Maes) provides for client/server communication using speech engine remote control protocol. Initially, the client and server exchange data to determine engine capabilities. Then, data is exchanged for engine reservation. The client then sends remote control commands and the server returns results and event downstream (See, Fig. 23). Hence Maes provides for only client/server communication using a distributed speech recognition framework protocol and client/server communication using a speech engine remote control protocol and the cited figures by the Examiner only provides detailed process of client/server communication. Nowhere Maes teaches or suggests a browser that accesses data concerning the one or more automation devices over the network and *presenting the data to a user incorporating a plurality of multimedia effects wherein one of the multimedia effects is an interactive graph*. Through this feature, the claimed innovation facilitates providing interactive graph which controls the output of the machine (e.g., number of products produced). A user can modify the output of a machine by manually entering vertical production values corresponding to number of units to produce and horizontal time values corresponding, for example, to hours in a day and then activating mechanism (e.g., by clicking on with a mouse).

At page 7 of Final Office Action, it is erroneously asserted that Maes teaches *the interactive program is executed by a plugin associated with the browser*, with respect to

dependent claim 13 and *the plugin is a flash player*, with respect to dependent claim 14. The reference (Maes) provides for implementing the system in software as an application comprising program instructions that are tangibly embodied on one or more program storage devices including magnetic floppy disk, RAM, CD ROM, ROM and Flash memory (*See*, Paragraph [0051]). Another section of reference (Maes) provides for promoting compatibility in multimedia communications over IP networks by a standard (H.323) approved by international telecommunication union. An H.323 stack is an integrated set of software programs that perform the functions needed to establish and maintain real time multimedia sessions over IP data networks and provides a high level API for the data streams and client application (*See*, Paragraph [0206]). Hence Maes provides for only maintaining real time multimedia sessions over IP data networks and providing a high level API for the data streams and client application. However the APIs provided by Maes are Java APIs. Nowhere Maes does teach or suggest utilizing flash player to execute the interactive program and viewing of control system information in a web client browser utilizing the flash player. Through this feature, the claimed innovation facilitates viewing of control system information in a web client browser *without using Java APIs, as some automation devices prevent deploying Java applet.*

In view of the foregoing, it is readily apparent that Maes does not teach or suggest all aspects recited in the subject claims, and therefore the rejection of independent claims 1, 10 and associated dependent claims, should be withdrawn.

II. Rejection of Claims 5-9, 17-29 Under 35 U.S.C. §103(a)

Claims 5-9, 17-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maes in view of Bonasia *et al.* (US 6,901,439 B1). Withdrawal of this rejection is requested for at least the following reasons. Maes and Bonasia *et al.* either alone or in combination, fail to teach or suggest all features of the subject claims.

A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning. See *KSR v. Teleflex*, 550 U.S. ___, 127 S. Ct. 1727 (2007) citing *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1, 36 (warning against a “temptation to read into the prior art the teachings

of the invention in issue” and instructing courts to “guard against slipping into the use of hindsight” (quoting *Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co.*, 332 F. 2d 406, 412 (CA6 1964))).

Applicant’s claimed innovation relates a system and method for communicating with automation devices utilizing an interactive human machine interface. To this end, independent claim 17 recites *a method for interacting with automation devices comprising: binding program variables to automation device data using an interactive program and specifying a multimedia presentation format for interaction by a user, embedding the interactive program into a browser, utilizing the browser and an associated execution engine comprising a flash player to execute the interactive program, producing a graphical representation of system production to interact with the automation devices and updating the displayed data in real time using the interactive program and clicking and dragging points on the graphical representation to effectuate changes in a production schedule for the automation devices*. Maes and Bonasia *et al.* are both silent regarding such novel aspects of the claimed invention.

Maes relates to system and method for implementing conversational protocols for distributed conversational networking architectures and applications and fails to teach or suggest the claimed invention. The Examiner acknowledges that the primary reference, Maes does not teach the claimed invention and provides a secondary reference, Bonasia *et al.*, to compensate for the after mentioned deficiencies of Maes. Bonasia *et al.*, given by Examiner, relates to a method for adding a device to an existing or new electrical automation or multimedia network and the device can be used by an ordinary user of network capable electric devices. A functional profile of LonWorks networks includes a Home profile. The Home profile employs an automated explicit type messaging for all devices intended for use in a home environment; and this reference does not teach the claimed innovation.

At page 8 and 11 of the Final Office Action, it is incorrectly contended that Bonasia *et al.* teaches *the interactive program comprising bindings that bind program variables to device data such that a change in device data is immediately reflected in the program variable bound thereto*, with respect to dependent claim 5. The reference

(Bonasia *et al.*) provides for a method for adding a device to an existing or new electrical automation or multimedia network. The binding process begins with the devices sending a Home Profile message to each other with the option to bind all application variables or only the mandatory variables. Next, the devices update their respective network variable address tables in accordance with optional Home profile received. If an object does not have Home Profile explicit messaging, then the method defaults to binding only the mandatory variables (*See*, Col. 18, lines 43-56). The mandatory variables include an input request and an output status. The optional network variables include an input time set, input file request, input file position, output alarm, output file status and output file directory. Optional configuration parameters include network configuration and maximum spend time. Optional explicit message include a Home profile explicit message to bind all network variables i.e. mandatory, optional or manufacturers optional (*See*, Page 19, lines 1-9). Hence Bonasia *et al.* provides for *only adding or binding a device to an existing electrical automation* and the adding process begins by devices sending message to each other about binding or adding all application variables like an input time set, input file request, input file position, output alarm, output file status and output file directory or only mandatory variables like input request and an output status. More particularly, Bonasia *et al.* provides for binding of only *network variables of various devices* present in an electrical automation, wherein network variables include an input request, an output status, an input time set, input file request, input file position, output alarm, output file status, output file directory, network configuration and maximum spend time. Nowhere Bonasia *et al.* provides for *bindings program variables to automation device data such that a change in device data is immediately reflected in the program variable bound thereto*. Through this feature, the claimed innovation facilitates enabling real-time updates and display of changing data corresponding to an automated device's (for example, temperature). *Data corresponding to an automated device's (for example, temperature) stored either in automated device memory is bound to a temperature variable in the interactive program.*

At page 12 of the Final Office Action, it is incorrectly contended that Bonasia *et al.* teaches a user can click and drag points on the graph to effectuate changes in a production schedule, with respect to dependent claim 28 and *the multimedia presentation*

is an interactive map such that a user can point and click to start and stop devices, increase or decrease power, or view information about each device, with respect to dependent claim 29. The reference (Bonasia et al.) provides for employing a touch screen or a PC and mouse combination for binding a device to existing electrical automation. One can simply clicks the icon on screen to bind one device to another (See, Col. 5, lines 1-16). Hence Bonasia et al. provides for only binding one device to another in an electrical automation by clicking the icon on the screen. However Bonasia does not contemplate a user clicking and dragging points on the graph to effectuate changes in a production schedule of automation devices and an interactive map of a facility such that a user can point and click to start and stop devices, increase or decrease power, or view information about each device.

In view of at least the foregoing, it is clear that Maes and Bonasia *et al.* fail to teach each and every aspect recited in subject claims. Therefore, it is respectfully requested that this rejection of claims 5-9 and 17-29 be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP335US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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